

**UNITED STATES DISTRICT FOR THE
EASTERN DISTRICT OF NORTH CAROLINA**

Western Division

Civil Action No. 5:24-cv-00699-M-KS

North Carolina Democratic Party,

Plaintiff,

v.

North Carolina State Board of Elections,
et al.,

Defendants.

**SECOND CONSENT
MOTION FOR EXTENSION OF
TIME TO FILE ANSWER OR
OTHERWISE RESPOND TO
FIRST AMENDED COMPLAINT**

NOW COME Defendants North Carolina State Board of Elections, Karen Brinson Bell, Alan Hirsch, Jeff Carmon, Stacy Eggers, IV, Kevin N. Lewis, and Siobhan O’Duffy Millen (collectively, the “State Board Defendants”), with consent of Plaintiff, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 7.3(j), to move this Court for an order to extend the time within which to file an answer or otherwise respond to Plaintiff’s First Amended Complaint by thirty (30) days, up to and including March 5, 2025.

In support of this Motion, the State Board Defendants show the following:

1. Plaintiff filed its Complaint in this action on December 6, 2024 [D.E. 1] and served it on Defendants on December 11, 2024. [D.E. 24].
2. Judge Jefferson Griffin moved to intervene in the present matter on December 9, 2025. [D.E. 15]. The Court has not yet ruled on Judge Griffin’s motion.
3. Plaintiff filed a First Amended Complaint on December 31, 2024. [D.E. 29].
4. Pursuant to Rules 6(a)(1) and 15(a)(3), State Board Defendants’ response to the Plaintiff’s First Amended Complaint was initially due on January 14, 2025.

5. On January 13, 2025, State Board Defendants moved for a twenty-one (21) day extension, and this Court granted State Board Defendants' motion. [D.E. 30]. Accordingly, State Board Defendants' deadline to respond to Plaintiff's First Amended Complaint is currently February 3, 2025, and the time for them to do so has not yet expired.

6. Undersigned counsel for State Board Defendants moves for an additional thirty (30) days extension to thoroughly consider the current status of this matter, the allegations made in the First Amended Complaint, determine the appropriate response, and prepare same.

Since January 13, 2025, undersigned counsel have been experiencing a heavy workload in several pending cases. They are the primary litigation attorneys for the North Carolina State Board of Elections. Together, or on teams with other attorneys in the North Carolina Attorney General's Office, they handle all the State Board's civil litigation, including emergency matters related to the November 2024 election. Mr. Steed's and Ms. Babb's work assignments have included and continue to include but are not limited to the following: drafting an appellant's brief (filed January 15) and drafting a petition response (filed January 21) in *Griffin v. N.C. State Board of Elections*, Nos. 230P24 (N.C.); 5:24-cv-00724 (E.D.N.C.), and 25-1018, -1019, -1024 (4th Cir.); drafting a short opening brief (filed January 30), and drafting three briefs in response to petitions for judicial review (due February 3) in *Griffin v. N.C. State Board of Elections*, Nos. 24CV040619, 040620, 040622 (Wake Super. Ct.), 5:24-cv-00731 (E.D.N.C.), and 25-1020 (4th Cir.); drafting a response to a motion for a temporary restraining order and preliminary injunction (submitted January 10), preparing for and participating in a hearing on the motion (held January 10), and draft a petition response (filed January 21) in *Kivett, et al., v. N.C. State Board of Elections, et al.*, Nos. 24CV041789 (Wake Sup. Ct.), P25-30 (N.C. Ct. App.), 5:24-cv-00003 (E.D.N.C.), and 25-1021 (4th Cir.); drafting a proposed order (submitted January 13) in *Holland v. N.C. State Board of*

Elections, No. 24CV041543 (Wake Co. Super. Ct.); drafting a proposed order (submitted January 20) in *Cummings v. N.C. State Board of Elections*, No. 24CV002019 (Wake Super. Ct.); and handling all aspects of several cases filed in the North Carolina Office of Administrative Hearing regarding the imposition of civil penalties related to campaign finance reporting.

7. This is State Board Defendants' second request for an extension of the deadline to respond to Plaintiff's First Amended Complaint.

8. This motion is being made within the current deadline and is not being made for any improper purpose.

9. The undersigned believes that the extension of time is reasonable to accomplish the necessary steps described above.

10. The undersigned discussed this request with Plaintiff's counsel, Ms. Shana Fulton, who provided her consent on behalf of her clients.

11. A proposed order granting State Board Defendants' Second Motion for Extension of Time is attached hereto, and a MS Word version of that proposed order is being emailed to the presiding judge's staff using the following address:
Documents_Judge_Myers@nced.uscourts.gov.

[INTENTIONALLY LEFT BLANK]

WHEREFORE, State Board Defendants respectfully request the Court for an order extending the time within which to file an answer or otherwise respond to Plaintiff's First Amended Complaint, up to and including March 5, 2025.

Respectfully submitted this the 31st day of January, 2025.

N.C. DEPARTMENT OF JUSTICE

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